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SUBJECT: LAWYERS TAKE SIDES IN GUINEA,S POWER STRUGGLE

SUMMARY

¶1. (SBU) SUMMARY. Two public declarations allegedly coming from Guinea,s Bar Association show that the Bar is just as divided internally as most of the other actors in Guinea,s emerging political drama. The President of the Bar Association came out in strong support of President Conte and undermined the prime minister,s legitimacy. Although he criticized union plans to resume a nationwide strike on January 10 and implied that the strike has no legal basis, he did not directly come out and declare it illegal. Other lawyers came out with their own declaration saying that the President of the Bar Association acted independently and that his legal opinion does not reflect the position of the Bar Association. END SUMMARY.

BAR ASSOCIATION AFFIRMS PRESIDENTIAL POWERS

¶2. (U) The President of the Guinean Bar Association, Boubacar Sow, issued a declaration on January 8 supposedly representing the legal opinion of the entire Bar Association. In principle, the Bar Association is an independent organization outside government jurisdiction. Six pages in length, the document details a number of legal arguments essentially affirming that Guinea,s constitution clearly provides for a strong presidential regime. Sow emphasized that the prime minister position has no constitutional basis. Further, Sow wrote that the president has sole authority over cabinet ministers and reserves the right to delegate executive powers as he deems fit.

¶3. (U) On the subject of the January 27 Accords, a tripartite agreement signed in early 2007, Sow wrote that although the agreement says that the president accepted to nominate a prime minister and consensus government, the agreement does not define the consensus government nor say that it is irreversible., According to Sow, the president can change his cabinet at will and is not required to justify his actions to the population. Furthermore, Sow wrote that if the population wants to change the political regime, they must do so through their elected representatives in the National Assembly who can amend the constitution or issue a referendum.

...AND CRITICIZES PLANNED LABOR STRIKE

¶4. (U) Turning to the unions, plan to resume a nationwide labor strike on January 10, Sow criticized the labor unions,

claiming that the strike is inappropriate and damaging to the country as a whole. According to Sow, this is the first time in Guinea,s history that the labor unions have planned to strike for purely political reasons. Pointing to Article 18 of Guinea,s legal code, Sow affirmed that unions have the right to strike, but that they do not have any legal right to protest a presidential cabinet appointment.

WAIT A MINUTE) THAT,S NOT WHAT WE SAID

15. (SBU) Pol LES met with a contact at the Ministry of Justice on January 8 who recently participated in a USG training program on intellectual property rights. Contact reportedly said that Sow,s declaration did not represent the opinion of the Bar Association and that member lawyers were not consulted. According to contact, Sow acted entirely on his own. When asked about possible reasons for doing so, contact reportedly said that a number of high-level presidential insiders had been seen visiting Sow recently, including Chief of Protocol Idrissa Thiam. Contact told LES that he suspected Sow was hoping to position himself for a ministerial position. Contact also said that Sow did not report to work after issuing the declaration and could not be reached by telephone.

16. (U) On January 8, a small group of Bar Association members were heard on Radio Familia denouncing Sow,s declaration as non-representative of the Bar Association. In addition, the lawyers of the Guinean Bar Association, issued a follow-on declaration stating that Boubacar Sow had acted independently and the Bar Association did not support Sow,s declaration.

CONAKRY 00000024 002 OF 002

OH SORRY, YES WE DID SAY THAT

17. (SBU) USAID LES later heard from other sources that the majority of the Bar Association does in fact support Boubacar Sow and agrees with his legal argument. Contacts told LES that the group on Radio Familia represented only a small faction of the Bar Association and that the Bar Association as a whole will issue another declaration on January 9 affirming Sow,s legal argument.

COMMENT

18. (SBU) So...the Bar Association seems to be just as divided as all the other Guinean organizations and associations. Every time one turns around, someone or another is issuing a new declaration. Guineans appear to be quickly drawing lines in the sand and then looking up to see who stands where.

19. (SBU) At the same time, Sow,s statement has generated a bit of a stir since a number of groups are beginning to question whether the unions even have a legal ground to strike this time around. Sow reinforced the absolute power of the presidency and undermined the legitimacy of the PM. Although he criticized the unions and implied that the upcoming strike is illegal, he did not actually make a definite legal determination. The issue of the strike and its legality is a tricky one. The strike does not seem to have the same level of popular support it had at this time last year, but that does not necessarily mean that the unions themselves lack support. If a legitimate judicial body or association officially determines that the strike is illegal, and if the strike goes forward on January 10, union members could risk arrest. Whether people support the strike or not, they may react very strongly to such arrests. END COMMENT.

